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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/720,136	03/16/2001	Beverly B. Teter	UMARY3	7554
23599 7	590 06/12/2003			
	HITE, ZELANO & BR	EXAMINER		
2200 CLAREN SUITE 1400	IDON BLVD.	WEDDINGTON, KEVIN E		
ARLINGTON,	, VA 22201		ART UNIT	PAPER NUMBER
			1614	17
			DATE MAILED: 06/12/2003	( /

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No. 09/720,136

Applicant(s)

Teter

Examiner

Kevin E. Weddington

Art Unit 1614



	The MAILING DATE of this communication appears of	n the	cover :	sheet with	the correspondence address		
	for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO E THE MAILING DATE OF THIS COMMUNICATION.							
	ions of time may be available under the provisions of 37 CFR 1.136 (a). In r g date of this communication.	10 event	t, howeve	r, may a reply	be timely filed after SIX (b) MUNTHS from the		
- If NO p - Failure - Any re	period for reply specified above is less than thirty (30) days, a reply within the period for reply is specified above, the maximum statutory period will apply at to reply within the set or extended period for reply will, by statute, cause the ply received by the Office later than three months after the mailing date of the petent term adjustment. See 37 CFR 1.704(b).	nd will e e applica	expire SIX ation to be	(6) MONTHS come ABANI	from the mailing date of this communication. DONED (35 U.S.C. § 133).		
Status							
1) 💢	Responsive to communication(s) filed on Mar 18, 2	<u>003</u>			·		
2a) 🗌	This action is <b>FINAL</b> . 2b) 💢 This acti	ion is	non-fir	nal.			
3) 🗆	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11; 453 O.G. 213.						
Disposi	tion of Claims						
4) 💢	Claim(s) 10-18, 22, 24-36, and 38-50				is/are pending in the application.		
4	a) Of the above, claim(s)				is/are withdrawn from consideration.		
5) 🗆	Claim(s)				is/are allowed.		
6) 🗆	Claim(s)				is/are rejected.		
7) 🗆	Claim(s)				is/are objected to.		
8) 💢	Claims 10-18, 22, 24-36, and 38-50		a	re subjec	ct to restriction and/or election requirement.		
Applica	ition Papers						
9) 🗆	The specification is objected to by the Examiner.						
10)	The drawing(s) filed on is/are	a) 🗌	accep	ted or b	)□ objected to by the Examiner.		
	Applicant may not request that any objection to the d						
11)	The proposed drawing correction filed on			is: a)□	approved b)□ disapproved by the Examiner.		
	If approved, corrected drawings are required in reply t						
12) 🗌	The oath or declaration is objected to by the Exami	ner.					
Priority	under 35 U.S.C. §§ 119 and 120						
13) 🗌	13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).						
a) [	☐ All b)☐ Some* c)☐ None of:						
	1. $\square$ Certified copies of the priority documents hav	e bee	n recei	ved.			
	2. $\square$ Certified copies of the priority documents hav	e bee	n recei	ved in Ap	oplication No		
	3. Copies of the certified copies of the priority do application from the International Burea						
*S	ee the attached detailed Office action for a list of the	e cert	ified co	ppies not	received.		
14)	Acknowledgement is made of a claim for domestic	priori	ity und	er 35 U.S	S.C. § 119(e).		
a) [	3 3 .						
15)∐	Acknowledgement is made of a claim for domestic	priori	ity und	er 35 U.S	S.C. §§ 120 and/or 121.		
Attachm		🗖	1.	_			
	otice of References Cited (PTO-892)				TO-413) Paper No(s)		
_	otice of Draftsperson's Patent Drawing Review (PTO-948)			Informal Pate	ent Application (PTO-152)		
3) ∐ Inf	formation Disclosure Statement(s) (PTO-1449) Paper No(s).	6) 📙	Other:				

Application/Control Number: 09/720,136

Art Unit: 1614

## **DETAILED ACTION**

## Election/Restriction

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 10-18 are drawn to an animal feed composition comprising crude protein and an anti-bacterial fatty component, classified in class 514, subclasses 2, 546, 547, 558 and 560.
- II. Claims 22 and 24-35 are drawn to an animal feed composition comprising an anti-bacterial fatty acid and at least one antibiotic, classified in class 514, subclasses 546, 547, 558 and 560.
- III. Claims 36-50 are drawn to an animal feed composition comprising anti-bacterial fatty acid, classified in class 514, subclasses 546, 547, 558 and 560.

The three inventions are independent and distinct, each from the other as they have acquired a separate status in the art as shown by their separate subject matter for inventive effort. Further, a reference which anticipates any one of the above inventions would neither anticipate or make obvious of the other inventions. Each such invention is capable of supporting its own patent. For these reasons, the restriction requirement is proper.

To be complete, applicant's response must include a provisional election even though the requirement may be traverse.

The applicant is required to elect a singly invention for examination purposes.

Art Unit: 1614

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner K. Weddington whose telephone number is (703) 308-1235.

Kevin E. Weddington
Primary Examiner
Art Unit 1614

K. Weddington

June 11, 2003